

Message Text

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ORIGIN L-03

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INR-07 NSAE-00 EB-08 COME-00 SS-15 NSC-05 TRSE-00
SAL-01 DLOS-06 IO-13 CG-00 DOTE-00 /090 R

DRAFTED BY L/OES;DACOLSON:MERS
APPROVED BY L/OES - BERNARD H. OXMAN
OES/OFA - MR. SCULLY
INR/RGE - MR. HODGSON
ARA/CAR - MR. PIERCE
EA/ANP - MR. WILLIAMS
EUR/NE - MR. SHUMATE (SUBS)
-----230157 005144 /63
R 222348Z FEB 77
FM SECSTATE WASHDC
TO AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: PBOR, EFIS

SUBJECT: ESTABLISHMENT OF LIMITS OF US FISHERY CONSER-
VATION ZONE IN BOUNDARY AREAS WITH THE UNITED KINGDOM

1. BEGIN SUMMARY: THE FISHERY CONSERVATION AND MANAGEMENT
ACT OF 1976 ESTABLISHES A 200 NAUTICAL MILE FISHERY CON-
SERVATION ZONE, EFFECTIVE MARCH 1, 1977, AROUND THE
TERRITORIES AND POSSESSIONS OF THE UNITED STATES.
ESTABLISHING SUCH A ZONE AROUND US TERRITORIES AND
POSSESSIONS CREATES MARITIME BOUNDARY ISSUES WITH POTENTIAL
ZONES ESTABLISHED FROM SEVERAL DEPENDENCIES OF THE UNITED
KINGDOM IN THE CARIBBEAN SEA AND THE PACIFIC OCEAN.
CONSULTATIONS ON THIS MATTER HAVE BEGUN IN WASHINGTON.
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END SUMMARY.

2. ON FEBRUARY 18 DEPARTMENT OFFICIALS MET WITH UK
EMBASSY OFFICIALS TO DISCUSS MARITIME BOUNDARY ISSUES
WHICH RESULT FROM RESPECTIVE EXTENSIONS OF FISHERIES JURIS-
DICTION OUT TO 200 NAUTICAL MILES IN SEVERAL AREAS BETWEEN
US AND UK DEPENDENCIES.

3. DEPT OFFICIALS PRESENTED FOLLOWING NON-PAPER TO UK EMBASSY OFFICIALS AND INDICATED THAT THIS PAPER REFLECTS PRESENT USG THINKING.

BEGIN TEXT: WE ARE LOOKING FOR A RECIPROCAL UNDERSTANDING ON THE FOLLOWING FOUR POINTS:

1) NEITHER STATE WILL ESTABLISH A FISHERY CONSERVATION ZONE AROUND DISPUTED ISLANDS, SO LONG AS THE OTHER STATE DOES NOT DO SO.

2) APPLICATION OF THE PRINCIPLE OF EQUIDISTANCE CONFORMS TO EQUITABLE PRINCIPLES IN THE CASE OF THE PACIFIC AND CARIBBEAN ISLANDS INVOLVED.

3) IN PLACES WHERE THERE IS AN ISLAND OF ONE STATE OPPOSING AN ISLAND OF THE OTHER STATE, THE PRINCIPLE OF EQUIDISTANCE WILL BE USED TO DETERMINE THE LIMITS OF FISHERY JURISDICTION.

4) IN PLACES WHERE THERE IS AN ISLAND OF ONE STATE OPPOSING AN ISLAND WHICH BOTH STATES CLAIM, THE ZONE AROUND THE UNDISPUTED ISLAND WILL BE ESTABLISHED ONLY UP TO THE POINTS WHERE THE EQUIDISTANT LINE BETWEEN THE TWO ISLANDS WOULD THEORETICALLY COME INTO EFFECT.

THESE FOUR PRINCIPLES WILL HAVE THE RESULT OF:

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(A) NOT EXACERBATING DISPUTED ISLAND ISSUES;

(B) NEITHER AFFIRMING NOR PREJUDICING THE RESPECTIVE LEGAL POSITIONS ON THE SOVEREIGNTY OF THE DISPUTED ISLANDS.

APPLICATION OF THE PRINCIPLES BY THE UNITED STATES:

1) NO ZONE AROUND DISPUTED ISLANDS:

-- THERE ARE 18 SUCH ISLANDS OR ATOLLS.

LINE ISLANDS:

-- CAROLINE ATOLL
-- CHRISTMAS ISLAND
-- FLINT ISLAND
-- MALDEN ISLAND
-- STARBUCK ISLAND
-- VOSTOK ISLAND

PHOENIX ISLANDS:

-- BIRNIE ATOLL
-- GARDNER ATOLL
-- HULL ATOLL

-- PHOENIX ATOLL
-- MCKEAN ATOLL
-- SYDNEY ATOLL
-- CANTON ISLAND
-- ENDERBURY ISLAND

ELLICE ISLANDS:

-- FUNAFUTI ATOLL
-- NUKUFETAU ATOLL
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-- NUKULAILAI ATOLL
-- NURAKITA

2) EQUIDISTANCE BETWEEN UNDISPUTED ISLANDS:

-- ONLY ARISES IN THREE INSTANCES:

(A) BETWEEN PALMYRA ATOLL (U.S.) AND WASHINGTON ISLAND
(U.K.)

(B) BETWEEN JARVIS ISLAND (U.S.) AND WASHINGTON AND
FANNING ISLANDS (U.K.)

(C) BETWEEN THE U.S. VIRGIN ISLANDS AND THE COMMONWEALTH
OF PUERTO RICO, AND THE BRITISH VIRGIN ISLANDS AND ST.
CHRISTOPHER-NEVIS-ANQUILLA.

3) UNDISPUTED ISLAND OPPOSING DISPUTED ISLAND.

-- WITH RESPECT TO U.S. UNDISPUTED ISLANDS OPPOSING
DISPUTED ISLANDS, THIS OCCURS IN THREE INSTANCES:

(A) JARVIS (U.S.) OPPOSING CHRISTMAS ISLAND AND MALDEN
ISLAND (U.S./U.K.)

(B) HOWLAND AND BAKER (U.S.) OPPOSING VARIOUS ISLANDS IN
PHOENIX GROUP (U.S./U.K.) END TEXT.

4. EMBASSY OFFICIALS INDICATED APPRECIATION FOR THIS
INDICATION OF USG INTENTIONS AND SAID THAT THEY WOULD
REPORT THE MATTER TO LONDON. THEY STATED THEIR BELIEF

THAT LONDON WOULD HAVE LITTLE DIFFICULTY WITH APPLICATION
BY USG OF EQUIDISTANCE PRINCIPLE. THEY DID INDICATE THAT
IT WOULD BE NECESSARY TO CONSULT WITH LOCAL GOVERNMENTS
REGARDING THE ENTIRE MATTER, AND RESERVED ON POINT 1 OF
THE PAPER, PARTICULARLY AS REGARDS THE GILBERT ISLANDS
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WHICH WOULD INCLUDE THE PHOENIX AND LINE ISLANDS.

5. DEPARTMENT OFFICIALS INDICATED WILLINGNESS TO CON-

TINUE TO CONSULT WITH THE UK AND TO HAVE TECHNICAL DIS-
CUSSIONS REGARDING THE APPLICATION OF THE EQUIDISTANCE
PRINCIPLE. HOWEVER, DEPARTMENT OFFICIALS ALSO NOTED THAT
USG WOULD BE PUBLISHING ON OR ABOUT MARCH 1 THE LIMITS OF
THE FISHERY CONSERVATION ZONE AND WOULD DO SO IN A MANNER
CONSISTENT WITH THE ABOVE TEXT IN AREAS OF INTEREST TO
THE UK. THOSE LIMITS WILL BE PUBLISHED IN ACCORDANCE WITH
THE LEGISLATIVE MANDATE, BUT WILL BE SUBJECT TO TECHNICAL
REVISION AND NEGOTIATION.
VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NEGOTIATIONS, FISHING LIMITS, TWO HUNDRED MILE LIMIT
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Sent Date: 22-Feb-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Executive Order: N/A
Errors: N/A
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Handling Restrictions: n/a
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To: LONDON
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